

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TYRELL JOHN T.J. CONNOR,

Defendant.

CR 10-24-GF-BMM-02

**AMENDED
ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS TO REVOKE
DEFENDANT'S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on March 16, 2015. (Doc. 178.) Connor has waived his right to object. When a party makes no objections, the Court need not review de novo the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149–152 (1986). The Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on March 15, 2015. (Doc. 175.) Connor admitted to violating his conditions of supervised release by failing

to reside in a residential reentry center and using methamphetamine. (*Id.*) Judge Johnston found the evidence sufficient to establish that Connor had violated the conditions of his supervised release. (*Id.*)

Judge Johnston recommends that the Court revoke Connor's supervised release. (Doc. 168.) Judge Johnston recommends that the Court sentence Connor to time served until March 18, 2016, with 45 months of supervised release to follow, with the first 180 days in a residential reentry center. (*Id.*) Judge Johnston further recommends that the same conditions of supervised release previously imposed should be continued.

Connor's violation grade is Grade C, his underlying offense is a Class B felony, and his criminal history category is I. He could be incarcerated for up to 36 months. He could be ordered to remain on supervised release for up to 46 months, less any custody time imposed. The United States Sentencing Guidelines call for three to nine months in custody.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Connor's current violation is serious in nature. A sentence of time served until March 18, 2016, when he has a bed date at the Great Falls Transition Center, with 46 months of supervised release to follow is sufficient, but not greater than necessary.

IT IS HEREBY ORDERED that Judge Johnston's Findings and Recommendations (Doc. 178) is ADOPTED IN FULL.

IT IS FURTHER ORDERED:

(1) that Defendant Tyrell John T.J. Connor's supervised release shall be revoked and he shall be committed to the custody of the United States Bureau of Prisons for time served until March 18, 2016, when he has a bed date at the Great Falls Transition Center, with 45 months of supervised release to follow;

(2) Connor shall reside in a residential reentry center for 180 days; and

(3) the same supervised release conditions previously imposed shall be continued.

DATED this 28th day of March, 2015.



Brian Morris
United States District Court Judge